

Montana Index of Environmental Permits
Montana Environmental Quality Council, 2002

SANITATION IN SUBDIVISIONS

1. Types of Activities Regulated

Condominiums, mobile home parks, recreational vehicle parks and divisions of land that create a parcel of less than 20 acres are subject to sanitary review. A person may not dispose of any lot within a subdivision, erect any facility for the supply of water or disposal of sewage or solid waste, erect any building or shelter in a subdivision that requires facilities for the supply of water or disposal of sewage or solid waste, or occupy any permanent buildings in a subdivision until the subdivision has been reviewed and approved. Review of subdivisions can be delegated to local officials. Subdivisions within the jurisdictional areas that have growth policies that meet the requirements described in statute (76-1-601, MCA) and for which municipal water, sewage disposal, solid waste and storm drainage will be provided are not subject to review, but will be required to provide a notice of certification of adequate municipal facilities (municipal facilities checklist).

Statute: 76-4-101 *et seq.*, MCA (Sanitation in Subdivisions Act)

Rule: ARM 17.36.101 *et seq.*; local regulations

Contact: DEPARTMENT OF ENVIRONMENTAL QUALITY
Permitting and Compliance Division
Water Protection Bureau

LOCAL GOVERNMENT
Health Department

2. Application Requirements

3. An applicant planning to subdivide land must complete a joint subdivision application form for review by the DEQ and local health officials. The DEQ is the reviewing authority for the review of applications from counties that do not exercise the option of contracting for review, or for water, sewer or storm drainage systems that are not included in the county contracts. Applications for subdivisions that fall under the DEQ's authority must also be submitted to the local health department for concurrent review. Counties that contract with the DEQ to review subdivisions will first receive those applications (see Review Procedures, B.). At the completion of the contracted county's review, the county will forward the application to the DEQ for final review. In addition to the application, the following information is also required: a preliminary plat or final plat; lot layouts showing wells and drainfields, or connections to existing public water and sewer systems or new multiple user or public sewage systems; an environmental assessment; and a subdivision approval statement from the local health officer.

Statute: 76-3-504, 603, 76-4-104 and 125, MCA

Rule: ARM 17.36.101-104

3. Review Procedures

- A. On receipt of a subdivision application for which the DEQ has primary authority, the department has 60 days for final action. If an Environmental Impact Statement is required, final action must be taken within 120 days. See MONTANA ENVIRONMENTAL POLICY ACT, p. 116.
- B. The DEQ may enter into agreements (contracts) with local governments regarding review of water supply, sewage, solid waste disposal and storm drainage facilities for subdivisions. Local government officials have 50 days to recommend action on the application to the DEQ. The DEQ then has 10 days to take final action. If the application is denied, the statutory time limits begin again once a response has been received.

Rule: ARM 17.36.105, 106 and 108

4. Criteria

The DEQ's rules set standards and procedures relating to size of lots, topography, geology, hydrology, type of facilities proposed and other factors affecting public health and the quality of water for uses relating to agriculture, industry, recreation and wildlife. There must be adequate water supply, drainage, sewage and solid waste disposal systems. The DEQ will issue a certificate of subdivision approval when it is satisfied that adverse impacts to state waters will not occur and the water supply is of adequate quantity, quality and dependability; the sewage disposal facility is sufficient in terms of capacity and dependability; the solid waste disposal and storm drainage plans and designs are in accordance with state and local laws and regulations.

Rule: ARM 17.36.101 *et seq.*

5. Fees

A schedule of fees, based on the complexity of the project, is set out in the rules. Contact the DEQ for the required fees or check the fee schedules in the rules or fee checklist with the application materials.

Statute: 76-4-105, MCA

Rule: ARM 17.36.801 *et seq.*

6. Additional Information

If there is a denial of approval of the subdivision that relates to environmental health facilities, the aggrieved developer may request a hearing before the Board of Environmental Review.

Statute: 76-4-126, MCA